

Exhibit 3

14 DEPOSITION OF JEFFRY YOUNG
15 September 18, 2018

19 Reported by: DENNIS M. SOUZA, CSR #3893

A horizontal dashed line extending from the left edge of the plot area to the right edge. The line is positioned at a y-value of 20.

1 show you some documents today and I may ask you to 10:28
2 read portions and I may ask you questions about them. 10:28
3 This is one of those documents. 10:28
4 A. I understand. 10:28
5 Q. What I would like you to look at is on the 10:28
6 third page, the page number says 1 at the bottom. If 10:28
7 you flip to the third page there is a list of -- it is 10:28
8 called Exhibit A. Do you see that? 10:28
9 A. I am still looking for a page number. 10:28
10 Q. You got it. And this is a list of documents 10:28
11 that we asked for. 10:28
12 I will note for the record your Counsel 10:29
13 produced one document today, and you brought along a 10:29
14 light bulb today, and we have taken pictures of that 10:29
15 light bulb and I don't know if I will add them to the 10:29
16 record or not. 10:29
17 I will say that for the record you brought 10:29
18 along a, it says "bad" on it, and it appears to be a 10:29
19 light bulb. I can't read anything else on it. 10:29
20 MR. WOODS: You can't read the writing on 10:29
21 that? 10:29
22 MR. RICHTER: Q. I can see that. On the 10:29
23 base of it above the screw it says "4/215"? 10:29
24 A. Yes. 10:29
25 Q. And it says "Home Depot"? 10:29

1 A. Yes. 10:29

2 Q. It also says "CREE" on the bottom. 10:29

3 A. Indeed. 10:29

4 Q. All right. And then there is a piece of 10:29

5 tape, masking tape across the top that says "bad"? 10:29

6 A. Correct. 10:29

7 Q. All right. And that is what you brought with 10:29

8 you today? 10:29

9 A. Yes. 10:29

10 MR. RICHTER: Then let's mark right away as 10:30

11 Exhibit 2 -- 10:30

12 (Defendant's Exhibit 2 was marked). 10:30

13 MR. RICHTER: Q. Exhibit 2 is a one-page 10:30

14 document. And it appears to be an E-mail. It has got 10:30

15 Clint Woods' letterhead on it, which I believe just 10:30

16 means that Mr. Woods printed it, but the original 10:30

17 message is from CREE Bulb Customer Support to 10:30

18 Jeffy427@comcast.net. Jeffy427@comcast.net is your 10:30

19 E-mail, correct, Mr. Young? 10:30

20 A. Yes, it is. 10:30

21 Q. It is currently your E-mail? 10:30

22 A. Yes, it is. 10:30

23 Q. And it was your E-mail back in August of 10:30

24 2016, correct? 10:30

25 A. Yes, it was. 10:30

1 A. Yes. 10:47

2 Q. Have you bought any other LED bulbs besides 10:47

3 CREE bulbs? 10:48

4 A. Yes. 10:48

5 Q. Do you recall the manufacturers? 10:48

6 A. EcoSmart. 10:48

7 Q. When did you buy those? 10:48

8 A. Six months, a year ago, something like that. 10:48

9 Q. Any others? 10:48

10 A. I have -- don't remember where or the 10:48

11 manufacturers -- at least I think I have. 10:48

12 Q. You are not sure? 10:48

13 A. I'm not sure. 10:48

14 Q. So other than the EcoSmart bulb you bought 10:48

15 six months to a year ago, the only recollection of LED 10:48

16 bulb purchases you have are the three bulbs you bought 10:48

17 from CREE? 10:49

18 A. The only thing I can remember specifically -- 10:49

19 but it is possible I have bought others. I'd have to 10:49

20 see how many bulbs and how many purchases. 10:49

21 Q. And I want to make sure the record's clear. 10:49

22 You said that for LED bulbs, before you installed 10:49

23 them, you wrote the date you installed them on the 10:49

24 bulb? 10:49

25 A. Yes. 10:49

1 MR. WOODS: Just answer the questions. 11:42
2 MR. RICHTER: Q. You had the documents from 11:42
3 way back in August 2016 that is still on your 11:42
4 computer, right? 11:42
5 A. It was actually on Comcast. They did the 11:42
6 search. 11:42
7 Q. They did the search? 11:42
8 A. Yeah. I don't think it was in my computer, I 11:42
9 think it was in their cloud or whatever, I don't know. 11:42
10 It might have been mine -- it may well have -- I don't 11:42
11 know, I am guessing again. I don't know where it was. 11:42
12 MR. WOODS: Just answer the question he is 11:42
13 asking. 11:42
14 THE WITNESS: Okay. 11:42
15 MR. RICHTER: Q. In paragraph 32 you go on 11:42
16 to state you paid approximately 15 to \$20 for each 11:42
17 bulb. 11:42
18 A. Which one? 11:42
19 Q. Paragraph 32. 11:42
20 A. I was looking at the lines. 11:42
21 Q. Is that accurate? 11:42
22 A. Close, but I don't know what I paid. Well, 11:42
23 it says approximately, yeah, that is accurate. 11:43
24 Q. That is accurate? 11:43
25 A. Yeah. Approximately 15 to 20 bucks. 11:43

1 Walmart. 11:48
2 Again, that is not accurate, right? 11:48
3 A. No. 11:48
4 MR. WOODS: Objection. 11:48
5 THE WITNESS: No. 11:48
6 MR. WOODS: Objection, compound. 11:48
7 MR. RICHTER: Q. Again it says you paid 11:48
8 approximately 15 to \$20 for each bulb, right? 11:48
9 A. Okay. 11:48
10 Q. It says "Prior to purchasing the bulbs 11:48
11 Mr. Young reviewed representations on the label." 11:48
12 A. Yes. 11:49
13 Q. You did that? 11:49
14 A. Yes. 11:49
15 Q. What did you review? 11:49
16 A. Warranty periods; how many -- how long it 11:49
17 lasted, how much the annual estimate to run it, that 11:49
18 kind of stuff. 11:49
19 Whenever you compare apples to apples on the 11:49
20 different brands. I don't remember the specific 11:49
21 numbers. 11:49
22 Q. So the warranty period, how long it lasted. 11:49
23 A. How many hours it burned or whatever, yeah, 11:49
24 or ten-year -- or sometimes they put it in years, 11:49
25 sometimes they put -- 11:49

1 Q. Do you recall if anybody went with you when 11:50
2 you bought the bulbs? 11:50

3 A. Unlikely, but no recollection. 11:50

4 Q. Did you talk to anybody from Home Depot about 11:50
5 the bulbs -- 11:50

6 A. No. 11:50

7 Q. -- when you bought them? 11:50

8 A. Very unlikely. 11:50

9 Q. That is a no or is it I don't recall? 11:51

10 A. All right. I don't recall. 11:51

11 Q. Other than looking at the label did you look 11:51
12 at any advertisements or information in the Home Depot 11:51
13 store when you bought the bulbs? 11:51

14 A. I don't recall. 11:51

15 Q. So it says here that you reviewed 11:51
16 representations on the label which compared the CREE 11:51
17 bulbs to other LED and non-LED bulbs; is that 11:51
18 accurate? 11:51

19 A. Yes. 11:51

20 Q. And those representations included but are 11:51
21 not necessarily limited to representations that he 11:51
22 would save upwards of \$100 per bulb over the life of 11:51
23 the bulb. 11:51

24 Do you remember seeing that? 11:51

25 A. Yeah. Something like that. I don't remember 11:51

1 the exact numbers. 11:51

2 Q. Representations that the bulb would perform 11:51
3 better than less expensive LED and non-LED bulbs, 11:51
4 right? 11:51

5 A. Yeah. Absolutely. 11:52

6 Q. And representations that the bulbs were 11:52
7 guaranteed and/or warranted for performance? 11:52

8 A. Right. 11:52

9 Q. You saw that? 11:52

10 A. Yes. 11:52

11 Q. Look at the next paragraph. It says: "In 11:52
12 addition, Mr. Young viewed some internet and 11:52
13 television advertisements by CREE prior to 11:52
14 purchasing." Is that accurate? 11:52

15 A. I don't know that it was CREE. I saw 11:52
16 advertisements representing LED light bulbs. 11:52

17 Q. On TV? 11:52

18 A. On TV. 11:52

19 Q. What about internet? 11:52

20 A. Oh, yeah. 11:52

21 Q. You saw ads on the internet? 11:52

22 A. Oh, yeah, yeah. 11:52

23 Q. But I thought you testified earlier that you 11:52
24 don't recall any CREE ads on the internet? 11:52

25 MR. WOODS: Objection, mischaracterizes the 11:52

1 testimony. You can answer. 11:52

2 THE WITNESS: Yeah. I don't remember if 11:52
3 CREE, specifically. I don't remember any, 11:52
4 specifically, I just know I have seen them. 11:52

5 MR. RICHTER: Q. You've seen ads on the TV? 11:52

6 A. And the internet for LED bulbs. 11:52

7 Q. And you saw these ads before you bought the 11:53
8 CREE bulbs? 11:53

9 A. Yes. 11:53

10 Q. How long before? 11:53

11 A. I have no idea, years maybe. 11:53

12 Q. Years maybe? 11:53

13 A. Yeah. 11:53

14 Q. Did those ads contain any representations 11:53
15 about the length of time the bulbs would last or the 11:53
16 quality of the light or anything like that? 11:53

17 MR. WOODS: Object to form. You can answer. 11:53

18 THE WITNESS: Yes. 11:53

19 MR. RICHTER: Q. They did? 11:53

20 A. Yes. 11:53

21 Q. And you remembered that when you bought the 11:53
22 CREE bulbs? 11:53

23 A. Yes. 11:53

24 Q. Even though you don't remember that those ads 11:53
25 had anything to do with CREE? 11:53

1 A. Yes. 12:38

2 Q. And when you went into the store to buy the 12:38

3 CREE bulbs, were you looking specifically for CREE or 12:38

4 were you looking generally for LED bulbs? 12:38

5 A. Generally. 12:38

6 Q. So when you went to Home Depot, did you see 12:38

7 other brands of LED bulbs? 12:38

8 A. Yes. 12:38

9 Q. Did you compare the packages for those bulbs? 12:38

10 A. Yes. 12:38

11 Q. So you read the CREE package and you read, 12:38

12 like, Philips, maybe? 12:38

13 A. Whoever. 12:38

14 Q. Sylvania? 12:38

15 A. Whoever. 12:38

16 Q. Feit, F-e-i-t? 12:38

17 A. Whoever. 12:38

18 Q. So you saw other products, LED products? 12:38

19 A. Yes. 12:38

20 Q. So you read the 100-watt package for the CREE 12:38

21 bulb and those products? 12:38

22 A. Yes. 12:38

23 Q. Because you were looking for 100 watts, 12:38

24 right? 12:38

25 A. Yes. 12:38

1 Q. By the way, the 100-watt bulb was it a 12:38
2 three-way or was it straight 100-watt? 12:38
3 A. It was straight 100-watt dimmable. 12:38
4 Q. Dimmable? 12:38
5 A. Yeah. I made sure I got the dimmable. 12:38
6 Q. Do you usually buy your bulbs at Home Depot? 12:38
7 A. Usually, Home Depot or Walmart. I go both 12:39
8 places. I have no -- I don't prefer one over the 12:39
9 other. 12:39
10 Q. Oh, is there a Home Depot in Guerneville? 12:39
11 A. No. 12:39
12 Q. Where is it? 12:39
13 A. It's in Windsor and there is one in Rohnert 12:39
14 Park. 12:39
15 Q. What is that one? 12:39
16 A. Rohnert Park. 12:39
17 Q. Rohnert Park. 12:39
18 A. And there is also one in Santa Rosa. So they 12:39
19 are all over. 12:39
20 Q. Which one do you usually go to? 12:39
21 A. Usually Windsor. 12:39
22 Q. Where is your Walmart you go to? 12:39
23 A. The same. There is no Walmart in Santa Rosa 12:39
24 but there is a Walmart next door to the Windsor 12:39
25 Home Depot and there is a Walmart next to the Rohnert 12:39

1 STATE OF CALIFORNIA)

2) ss.

3 OAKLAND DIVISION)

4

5

6 I hereby certify that the witness in
7 the foregoing deposition named

8 JEFF YOUNG

9 was by me duly sworn to testify the truth, the whole
10 truth and nothing but the truth in the within-entitled
11 cause; that said deposition was taken at the time and
12 place therein named; that the testimony of the said
13 witness was reported by me, a duly Certified Shorthand
14 Reporter and disinterested person, and was thereafter
15 transcribed into typewriting under my direction.

16 I further certify that I am not of
17 counsel or attorney for either or any of the parties
18 to said deposition, nor in any way interested in the
19 outcome of the cause named in said caption.

20

21 WITNESS WHEREOF, I have
22 hereunto subscribed my
23 hand this 24th day of
24 September, 2018

25

DENNIS M. SOUZA, CSR No. 3893